

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOSEPH ARUANNO,

Plaintiff,

v.

STATE OF N.J.,

Defendant.

06-CV-296 (WJM)

ORDER

Plaintiff having filed a complaint against Defendant alleging only a claim under 42 U.S.C. § 1983; 42 U.S.C. § 1983 not providing a cause of action against a state, such as Defendant; Plaintiff's claim being barred by the Eleventh Amendment; the Court thus lacking jurisdiction to adjudicate Plaintiff's complaint; Defendant now filing a motion to dismiss Plaintiff's complaint; and good cause appearing;

IT IS on this 29th day of July 2008, hereby

ORDERED that Defendant's motion is **GRANTED**; and it is further

ORDERED that Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.